UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HONORABLE MANUEL L. REAL, JUDGE PRESIDING

MICHAEL ANTHONY JACKSON, Petitioner, VS. ARTHUR CALDERON, as Warden of San Quentin State Prison, Respondent.	NO. CV 91-4249-R

REPORTER'S TRANSCRIPT OF PROCEEDINGS
(Evidentiary Hearing)

Los Angeles, California

Thursday, January 25, 1996

VOLUME 2
Pgs. 1 - 204

LEONORE A. LeBLANC, CSR 2525
Official Reporter
455 United States Courthouse
312 North Spring Street
Los Angeles, California 90012
(213) 617-3071

* * *

[70] A. Not that I remember, no, sir.

Q. Did you ever complain to Mr. Klump about the way you had been used in the case?

A. I don't believe I talked to him after I left the trial.

Q. You never told Mr. Klump that you thought your testimony might have been distorted by the prosecutor?

A. No, sir.

Q. Did you ever suggest to Mr. Klump you could give further testimony relative to the matters that – to which you had testified in cross-examination by the prosecution?

A. No, sir.

MR. de NICOLA: I have no further questions.

THE COURT: Redirect?

MR. KREPS: Your Honor, we would move the admission of Exhibit 17, the letter.

THE COURT: Any objection?

MR. de NICOLA: No objection.

THE COURT: 17 In evidence.

(Received in Evidence Exhibit No. 17.)

REDIRECT EXAMINATION

BY MR. KREPS:

Q. Dr. Aniline, before we go into your narrative statement, I want to direct this portion of the redirect to the events going to your testimony in the 1984 trial, since we just finished that. And you have Exhibit 17 before you.

[71] You will note in the bottom of the exhibit that Mr. Klump says:

"I am not sure whether it would be advantageous for you to interview Mr. Jackson as he indicates that he remembers smoking the PCP and then remembers waking up hurting in the hospital. He says he doesn't remember the incident at all, nor getting bit by the dog."

Did you have any discussion with Mr. Klump about that?

A. I don't have an independent recollection, but I believe I responded to his letter; I reviewed the material and then had some discussion. I don't have a recollection or specific note that I did that by note or by coming there in person just prior to testifying.

Q. Did you ever personally meet with Mr. Klump before you testified?

A. I don't think I did.

Q. So the first time you personally met Mr. Klump was when you appeared in the courtroom to testify?

A. That is my understanding or recollection, yes, sir.

Q. And now on page 2 of exhibit 17 it says that:

"Mr. Jackson is set for trial on February 8, 1984, and he is anxious to get started so we would appreciate your observations regarding [72] this case as soon as possible."

When did the trial actually start?

A. In April – or I testified, I believe, in April. I don't know when it formally began, but around that time. Not in February.

Q. Now, at any time has Mr. Klump ever told you that Mr. Jackson remembered anything between smoking the PCP and waking up hurting in the hospital?

A. No.

Q. At any time has Mr. Jackson ever told you that?

A. No.

Q. At any time has anyone ever told you that Mr. Jackson remembered smoking the PCP – pardon, that Mr. Jackson remembered anything between smoking the PCP and waking up hurting in the hospital?

A. No.

Q. Are you aware of any evidence that would indicate to you, in your expert opinion, that Mr. Jackson – Well, strike that. That doesn't. . . .

The next sentence:

"He says he doesn't remember the incident at all, nor getting bit by the dog."

At any time did Mr. Klump ever tell you that Mr. Jackson remembered the incident at all?

A. No.

[73] Q. At any time did Mr. Jackson ever tell you that he remembered the incident at all?

A. No.

Q. At any time has anyone ever told you that Mr. Jackson remembered the incident at all?

A. No.

Q. And the same questions with respect to getting bit by the dog.

A. Same responses.

Q. Now, when you read this at the time – and you will note that the letter indicates a PCP reading of 160 nanograms per milliliter of blood would be positive for PCP at the bottom of the second paragraph.

A. Yes.

Q. When you read this at the time, assuming these facts are correct, did you come to any preliminary conclusions as to the accuracy of those facts?

A. They seem consistent. They indicate someone with an amnesia anesthesia for what seemed to be a PCP intoxication of considerable severity.

I believe I would – I did. Again, I am not saying I have that independent recollection, but I have no reason to depart from that generic opinion in 1984, so I think that's what I arrived at.

Q. Are you aware of anything today that would cause you to [74] believe that the statement that Mr. Jackson, as he indicates, that he remembers smoking PCP and then remembers waking up hurting in the hospital, that that statement is factually inaccurate?

A. No. I think it was like it was before. There is nothing that makes me believe different.

Q. The second page says, "The People" – that means the State; right? – "have contacted Dr. Segal and Dr. Lerner to assist them in this case."

To your knowledge, did either Dr. Segal or Dr. Lerner ever testify for the People?

A. I don't believe they did.

Q. Now, to your knowledge did the State put on any psychiatric testimony?

A. Not that I am aware of, no, sir.

Q. To your knowledge, did the State put on any expert on PCP?

A. No, sir.

Q. And to your knowledge, did the State put on any expert at all to give an evaluation of Mr. Jackson's mental state at the time of the event?

A. Not that I know of, no.

Q. When you received Exhibit 17, what was your understanding of the – of your assignment?

A. To provide kind of generic information on PCP, which [75] was more common in '83, '84. And I had done that kind of thing, particularly when I looked and considered a time line. In other words, I really wasn't preparing for a specific case. I was going to be asked to provide material or for my expertise to a hypothetical.

Q. How did you get that understanding?

A. I am again without specific recollection but I think that – I know Lerner and Segal. I know their work. I believe I had testified in Pomona or in that area but I –

MR. KREPS: Move to strike the answer as non-responsive.

THE COURT: It may go out.

BY MR. KREPS:

Q. My question is, Dr. Aniline – and please just respond to my – How did you get the information as to what your role was going to be in the case? Did you get it from Mr. Klump?

A. Yes.

Q. Other than this letter, did you have any information from Mr. Klump as to what your role would be?

A. I believe we had some conversations on the phone.

Q. What is your recollection of those conversations with Mr. Klump as to what your role was to be?

A. As an expert in PCP, related behavior. And in terms of the blood level, the evidence that was found.

[76] Q. Did Mr. Klump ever ask you to provide expert medical testimony as to the state or condition of Mr. Jackson's mind at the time of the incident?

A. Not that I recall, nor can I find any basis for that in my notes or anything.

Q. Did Mr. Klump ever suggest that you should conduct a medical examination of Mr. Jackson?

A. I don't believe so.

Q. Did Mr. Klump ever provide you or did you ever see any medical records of Mr. Jackson before you testified?

A. No. I believe what I saw was what he sent.

Q. Did he ever send you any medical records?

A. No. I think that was the murder book. I don't recall anything independent of that.

Q. Did Mr. Klump – strike that.

Did you ever talk to Michael Jackson before you testified?

A. No, sir.

Q. Did you ever even see Michael Jackson before you testified?

A. No.

Q. In your mind, when you took the witness stand, what did you understand you were to do as an expert?

A. Kr. Klump would frame a hypothetical, and I would respond to it with my experience on PCP.

[77] Q. Did you have any personal knowledge of what that hypothetical question was before you took the witness stand?

A. No.

Q. Did you see a hypothetical question that Mr. Klump had written out before you took the witness stand

A. Not that I can recall, no.

Q. So you took the witness stand without even discussing with the attorney what –

THE COURT: No. Don't recall the evidence. I've heard it.

MR. KREPS: No. I am not going to recall the evidence, your Honor.

THE COURT: He took the witness stand, all right? I know what – You asked him several questions about what happened before that.

BY MR. KREPS:

Q. Did you have any understanding whatsoever that your testimony at the trial in 1984 was to be a clinical diagnosis of Mr. Jackson's mental state at the time of the event?

A. No, sir.

Q. And did you make any clinical diagnosis of Mr. Jackson's mental state at the time of the event?

A. No, sir.

Q. And did you testify to Mr. Jackson's mental state at the time of the event?

[78] A. No.

Q. Do you know who Dr. Skrdla is?

A. I know of him through his work. He is a psychiatrist that does some forensic work.

Q. What was your understanding of Dr. Skrdla's role, if any, in the Jackson trial in 1984?

A. I believe he interviewed or wrote a report concerning Mr. Jackson.

MR. KREPS: Would the clerk please place before the witness, your Honor, Exhibit 13?

THE CLERK: Exhibit 13 is before the witness for identification.

THE WITNESS: Yes.

BY MR. KREPS:

Q. Exhibit 13 is a letter dated October 14, 1983.

A. Yes.

Q. From Dr. Skrdla to Mr. Klump.

A. Correct.

Q. Have you had an opportunity to review this letter?

A. Yes.

Q. When was the earliest time you can recall being contacted by Mr. Klump before the letter of January 19, 1984?

A. I don't have a specific nor do I have any notes. I presume in the prior week or two at the earliest. Not prior to January or something.